

REMARKS

Claims 1-2, 5, 8-12, 15 and 18-40 are pending in this application. Applicant has amended claim 33 to correct an antecedent-basis error. No new matter has been introduced by way of this amendment.

Improper Final Rejection

As an initial matter, Applicant respectfully submits the rejection was improperly made final for at least three reasons.

First, the Examiner rejected claims 2, 12, 22, 23, 25, 29, 30, 32, 34 and 35 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner does not cite a specific limitation that is not enabled, or provide any reason at all in support of the rejection of claims 2, 12, 22, 23, 25, 29, 30, 32, 34 and 35 as not enabled. Accordingly, Applicant respectfully submits the rejection was improperly made final. *See MPEP § 707.07(d)* (“When a claim is refused for any reason relating to the merits thereof it should be ‘rejected’ and the ground of rejection fully and clearly stated ... If the claim is rejected as broader than the enabling disclosure, the reason for so holding should be given.”). *See also 37 C.F.R. §§ 1.104 and 1.113* (“In making such final rejection, the examiner shall repeat or state all grounds of rejection then considered applicable to the claims in the application, clearly stating the reasons in support thereof.”). Applicant notes that the Examiner has cited no art against claims 2, 12, 22, 23, 25, 29, 30, 32, 34 and 35.

Second, the Examiner provides no discussion of prior art references against the subject matter of claims 26, 28 or 31. For example, the Examiner fails to discuss the “second router” recited in claim 28, the “third local-area network” recited in claim 31, or “the first computing device [outputting] the second information packet directly to the global computer network” recited in claim 26. *See MPEP 707.07(d)* (A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.”).

Finally, Applicant previously requested an interview and submitted an Applicant Initiated Interview Request form concurrent with filing the Response Amendment on March 17, 2005. The Examiner made the Office Action final without scheduling or conducting an

interview with the Applicant, to which Applicant is entitled. In the event the Examiner finds the Application is not in a condition for allowance after considering this Response, Applicant respectfully requests that the Examiner withdraw the finality of the Office Action and schedule an interview with the Applicant to discuss the allowability of the claims over the cited references.

Rejections Under 35 U.S.C. § 112

The Examiner has rejected claims 2, 12, 22, 23, 25, 29, 30, 32, 34 and 35 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses this rejection. As noted above, the Examiner has failed to set forth a specific reason why the claims are not enabled or even point to subject matter of the claims that are not enabled. Nevertheless, Applicant respectfully submits that example enabling embodiments are illustrated in Figures 2a, 2b, 2c and 2d and the accompanying descriptions thereof on pages 11-16, and thus one of skill in the art would have known, after reviewing the specification, how to practice the subject matter of the claims.

For example, claim 1 recites, “a first computing device configured to ... output a second information packet to the global computer network.” Claim 2 recites, “[t]he system of claim 1 wherein the first computing device is configured to output the second information packet to the global computer network from the second local-area network.” With reference to Figure 2b, for example, if server 1 is the first computing device, server 2 is the second computing device, LAN C is the first local area network, and LAN A is the second local area network, Applicant submits that, after reviewing the specification, one of skill in the art would have known how to configure server 1 to “output the second information packet to the global computer network from the second local-area network,” which in this example is LAN A.

As another example, claim 11 recites, “outputting a second information packet to the global computer network.” Claim 12 recites, “[t]he method of claim 11 wherein the method comprises: outputting the second information packet to the global computer network from the second local-area network.” With reference to Figure 2b, for example, if server 1 is the first computing device, server 2 is the second computing device, LAN C is the first local area network, and LAN A is the second local area network, Applicant submits that, after reviewing

the specification, one of skill in the art would have known how to have server 1 “output the second information packet to the global computer network from the second local-area network,” which in this example is LAN A.

Similar illustrative examples can be set forth with respect to claims 22, 23, 25, 29, 30, 32, 34 and 35. In the absence of a specific reason for the rejections, and in the interest of brevity, Applicant has omitted additional examples. To the extent the Examiner is referring to a computing device comprising an intelligent network interface card (claim 30), Applicant also respectfully refers the Examiner to pages 16-63 of the specification, and submits that one of skill in the art, after reviewing the specification, would have known how the second computing device could comprise an intelligent network interface card.

Accordingly, Applicant respectfully submits that claims 2, 12, 22, 23, 25, 29, 30, 32, 34 and 35 are enabled by the specification including the figures and that one of skill in the art, after reviewing them, would have known how to practice the invention without undue experimentation. Thus, claims 2, 12, 22, 23, 25, 29, 30, 32, 34 and 35 comply with 35 U.S.C. § 112, first paragraph, and Applicant respectfully requests that the Examiner withdraw this rejection.

Rejections Under 35 U.S.C. § 103

A. The Claims Are Not Rendered Obvious by Leung in View of Flynn

The Examiner has rejected claims 1, 5, 8-11, 15, 18-20, 24, 26, 28, 31, 33 and 36-38 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,195,705, issued to Leung (hereinafter “Leung”), in view of U.S. Patent No. 6,549,522, issued to Flynn (hereinafter “Flynn”). Applicant respectfully traverses the Examiner’s rejection.

Independent claim 1 recites “a first computing device configured to: receive from a second computing device and a first local-area network a first information packet, the second computing device being configured to receive the first information packet from a global computer network, a first router and a second local-area network that bypasses the first local-area network; and output a second information packet to the global computer network, such that the second information packet bypasses the second computing device.” The Examiner admits that

Leung does not motivate, teach or suggest the recited second local-area network, but claims this aspect is taught by Flynn.

As an initial matter, Leung is not an appropriate primary reference. The Examiner points to Figure 2B of Leung and identifies PC 16 as the claimed first computing device, home agent (HA 1) 206 as the claimed second computing device, and router 1 as the first server. There is no discussion in Leung of the PC 16 being configured to receive an information packet from home agent 206, or of PC 16 being configured to output a second information packet to the global computer network. It appears that the only reference to PC 16 in Leung recites “Network segment 14 may include various other nodes such as a PC 16.” Thus, Leung does not even teach, suggest or motivate the recited “first computing device.” The Examiner does not contend that the missing first computing device is taught, suggested or motivated by Flynn.

In addition, the Examiner’s stated motivation for combining Leung and Flynn makes no sense in the context of Figure 2b of Leung. Specifically, the router R1 would route packets from HA 1 206 “to wherever they need to go,” regardless or whether or not a second local area network was inserted between router R1 and HA 1 206. Thus, a second network would be superfluous and does not supply the motivation asserted by the Examiner to “have the router route packets from the computing device to wherever they need to go.” *See* Office Action, p. 3. Thus, it is improper to combine Leung and Flynn as suggested by the Examiner. See MPEP §§ 2142 and 2143.01. Accordingly, Applicant respectfully submits that Leung, alone or in combination Flynn, does not teach, suggest, or motivate the recited “first computing device,” or the recited “second local-area network.” Claims 2, 5, 8-10, 28 and 31 depend from claim 1, and are thus allowable for at least the same reasons as claim 1.

In addition, claim 28 recites, “... a second router,” and claim 31 recites, “... a third local area network.” The Examiner wholly fails to discuss claim 28 and, with respect to claim 31, the Examiner’s comments are directed to “an intelligent network interface card,” which is not recited in claim 31. Accordingly, Applicant respectfully submits that claim 28 is allowable for the additional reason that Leung, alone or in combination Flynn, does not teach suggest or motivate the recited “second router,” and that claim 31 is allowable for the additional reason that

Leung, alone or in combination with Flynn, does not teach suggest or motivate the recited “third local area network.”

Independent claim 11 recites, “[a] method performed by a first computing device of an information processing system, the method comprising: receiving from a second computing device ... a first information packet ... and outputting a second information packet.” The Examiner again points to PC 16 as the claimed first computing device and HA 1 206 as the claimed second computing device. There is no discussion in Leung of PC 16 “receiving” a first information packet, or anything else, from HA 1 206. Further, as discussed above, the Examiner’s stated motivation for combining Leung and Flynn is flawed. Thus, Leung, alone or in combination with Flynn, does not teach, suggest, or motivate the recited method. Claims 15, 18-20, 24 and 26 depend from claim 11, and are allowable for at least the same reasons as claim 11 by virtue of their dependencies.

In addition, claim 26 recites “The method of claim 11 wherein the first computing device outputs the second information packet directly to the global computer network.” The Examiner wholly fails to discuss claim 26. Accordingly, Applicant respectfully submits that claim 26 is allowable for the additional reason that Leung, alone or in combination with Flynn, does not teach, suggest, or motivate outputting “the second information packet directly to the global computer network,” as recited.

Independent claim 33 recites, “... the first device is configured to receive an information packet from a global computer network ... and to forward the information packet to the second device.” The Examiner identifies PC 16 as the first device and HA 1 206 as the second device. There is no teaching, suggestion, or motivation in Leung for PC 16 to “receive an information packet ... and to forward the information packet” to HA 1 206. Further, as discussed above, the Examiner’s stated motivation for combining Leung and Flynn is flawed. Thus, Leung, alone or in combination with Flynn, does not teach, suggest, or motivate the recited “first device.” Claim 36 depends from claim 33, and is allowable for at least the same reasons as claim 33 by virtue of its dependency.

Independent claim 37 recites, “receive via a computing device and a first local-area network first information, the computing device being configured to receive the first

information via a global computer network, a first router and a second local-area network that bypasses the first local-area network; and transmit second information to the global computer network by a signal path that bypasses the computing device.” The Examiner’s rejection merely repeats the basis presented by the Examiner with regard to claim 1. For example, the Examiner identifies a “second computing device”, which is not recited in claim 37, and fails to address the recited “first information.” Thus, the Examiner has failed to set forth the reasons for the final rejection of claim 37, as required. In any event, the Examiner identifies PC 16 as the “computing device,” and R1 as the “first router.” There is no discussion in Leung of PC 16 being configured to “receive the first information” via router R1. Further, as discussed above, the Examiner’s stated motivation for combining Leung and Flynn is flawed. Thus, Leung, alone or in combination with Flynn, does not teach, suggest, or motivate the recited limitations of claim 37. Claim 38 depends from claim 37, and is allowable for at least the same reasons as claim 37 by virtue of its dependency.

B. The Claims Are Not Rendered Obvious by Leung in View of Flynn and Brendel

The Examiner has rejected claims 21 and 27 under 35 U.S.C. § 103(a) as obvious over Leung in view of Flynn and U.S. Patent No. 5,774,660, issued to Brendel, et al. (hereinafter “Brendel”), of record. Applicant respectfully traverses the Examiner’s rejection. Claim 27 depends from claim 1 and claim 21 depends from claim 11. The Examiner admits the Leung does not motivate, teach or suggest “the first computing device outputs the second information packet to the global computer network from a second router.” However, the Examiner does not contend that Brendel discloses the recited first computing device or the recited method. Instead, the Examiner contends that Brendel describes “outgoing packets bypass the load balancer” and “multiple external routers … to route outgoing packets.” See Office Action at 6-7. These citations do not teach, suggest or motivate the first computing device or the method recited by these claims.

In addition, the Examiner’s stated motivation for combining the references makes no sense in the context of Leung. Specifically, if a second router is inserted between the PC 16 of Leung and the Corresponding Node 18, this would not “balance” any load on router R1, as apparently suggested by the Examiner in paragraph 3 on pages 6-7 of the Office Action.

Accordingly, Applicant submits that, by virtue of their dependencies and because the Examiner has failed to cite a motivation for combining the three references, claims 21 and 27 are not rendered obvious by Leung, alone or in combination with Flynn and Brendel.

C. The Claims Are Not Rendered Obvious by Leung in View of Flynn and Golembeski

The Examiner has rejected claim 39 under 35 U.S.C. § 103(a) as obvious over Leung in view of Flynn and U.S. Patent No. 3,622,707, issued to Golembeski (hereinafter “Golembeski”). Applicant respectfully traverses the Examiner’s rejection. Claim 39 depends from claim 37. The Examiner has not addressed multiple aspects of claim 37 (*see* subpart A) and does not contend that Golembeski teaches, suggests, or motivates the recited limitations of claim 37 discussed above. Accordingly, Applicant submits that, by virtue of its dependency, claim 39 is not rendered obvious by Leung, alone or in combination with Flynn and Golembeski.

D. The Claims Are Not Rendered Obvious by Leung in View of Flynn and Copeland

The Examiner has rejected claim 40 under 35 U.S.C. § 103(a) as obvious over Leung in view of Flynn and U.S. Patent No. 4,383,280, issued to Copeland (hereinafter “Copeland”). Claim 40 depends from claim 37. Applicant respectfully traverses the Examiner’s rejection. The Examiner has not addressed multiple aspects of claim 37 (*see* subpart A) and does not contend that Copeland teaches, suggests, or motivates the recited limitations of claim 37 discussed above. Accordingly, Applicant submits that, by virtue of its dependency, claim 40 is not rendered obvious by Leung, alone or in combination with Flynn and Copeland.

Conclusion

Therefore, for these reasons and others, claims 2, 12, 22, 23, 25, 29, 30, 32, 34 and 35 are enabled, and claims 1-2, 5, 8-11, 15, 18-21, 24, 26-28, 31, 33, and 36-40 are not rendered obvious by Leung, alone or in combination with Flynn, Brendel, Golembeski, and/or Copeland. Thus, all of the pending claims are allowable. In addition, the Examiner has prematurely issued a final rejection and Applicant requests the withdrawal of the finality of these rejections and entry of these amendments and remarks.

In the event the Examiner disagrees or finds minor informalities, Applicant respectfully renews its request for a telephone interview to discuss the Examiner's issues and to expeditiously resolve prosecution of this application. Accompanying this Amendment is a Second Request for Telephone Interview in the event the Examiner does not agree that the claims are allowable.

In closing, Applicant respectfully requests the Examiner to enter these amendments and to reconsider this application and its early allowance. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

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TLB:rg

Enclosure:

Second Applicant Initiated Interview Request Form
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